

REMARKS

This responds to the Office Action mailed on November 19, 2003. Claims 23 and 25 are amended to correct an informality. Claims 1-34 remain pending in this application.

Applicant reserves its right to swear behind any documents relied upon for a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the documents are prior art.

Claim Objections

Claims 23 and 25 were objected to because of informalities. Claim 23 has been amended to depend on claim 22, and claim 25 has been amended to depend on claim 24. Withdrawal of the rejection is respectfully requested.

§102 Rejection of the Claims

Claims 1-3, 5-10 and 12 were rejected under 35 USC § 102(e) as being anticipated by Clark (U.S. 6,462,707). Applicant respectfully traverses for at least the following reasons.

Aspects of the present subject matter address a situation where a receiver is capable of receiving SBAS (e.g. WAAS) correction information from two or more SBAS (e.g. WAAS) satellites. The present subject matter is capable of determining the SBAS satellite that provides a more desirable source for SBAS correction information (see, for example, page 5 line 1 to page 6 line 8 of the application). Examples of SBAS are provided in the specification at page 3 line 20 to page 4 line 7 and include Wide Area Augmentation System (WAAS), Multi-Functional Satellite Augmentation System (MSAS), and Euro Geostationary Navigation Overlay Service (EGNOS). Applicant respectfully notes that Clark refers to WAAS as a type of ground-based GPS integrity monitoring system and distinguishes its disclosure from WAAS (column 3, lines 46-59).

With respect to independent claim 1 as originally filed, Applicant is unable to find, among other things, in the cited portions of Clark a showing of a method comprising receiving Space Based Augmentation System (SBAS) correction messages from a selected SBAS satellite,

determining whether at least one criterion is satisfied for using the selected SBAS satellite as a correction source, and upon determining that the at least one criterion is not satisfied for using the selected SBAS satellite as a correction source, selecting a second SBAS satellite to be used as a correction source from which to receive SBAS correction messages, as recited in the claim. Dependent claims 2-3 and 5-10 depend, either directly or indirectly, on independent claim 1, and are believed to be in condition for allowance for at least the reasons provided with respect to independent claim 1.

With respect to independent claim 12 as originally filed, Applicant is unable to find, among other things, in the cited portions of Clark a showing of a method in a global positioning system (GPS) for determining a Wide Area Augmentation System (WAAS) corrections source, comprising synchronizing to signals from at least two WAAS satellites, selecting one WAAS satellite from which to receive WAAS correction messages, receiving WAAS correction messages from the selected WAAS satellite, determining whether at least one criterion is satisfied for using the selected WAAS satellite as a correction source, and upon determining that the at least one criterion is not satisfied for using the selected WAAS satellite as a correction source, selecting a second WAAS satellite to be used as a correction source from which to receive WAAS correction messages, as recited in the claim.

Thus, for at least these reasons, Applicant respectfully requests withdrawal of the §102(e) rejection, and reconsideration and allowance of the claims.

§103 Rejection of the Claims

Claims 14-17, 19, and 27-34 were rejected under 35 USC § 103(a) as being unpatentable over Clark in view of Whitehead et al.(U.S. 6,469,663). Applicant respectfully traverses for at least the following reasons.

Whitehead generally refers to WAAS, EGNOS, and MSAS as WAAS (column 6 lines 17-20). Applicant is unable to find, among other things, in the cited portions of Whitehead, either alone or in combination with Clark, a showing or fair suggestion of determining the SBAS (e.g. WAAS) satellite (from a group of two or more SBAS satellites) that provides a more desirable source for SBAS correction information.

With respect to independent claim 14, Applicant is unable to find, among other things, in the cited portions of Clark and Whitehead, either taken alone or in combination, a showing or a fair suggestion of a computer-readable medium having computer-executable instructions, wherein a computer executes the instructions to synchronize to signals from at least two Space Based Augmentation System (SBAS) satellites, select one SBAS satellite from which to receive correction messages, receive correction messages from the selected SBAS satellite, determine whether at least one criterion is satisfied for using the selected SBAS satellite as a correction source, and select a second SBAS satellite to be used as a correction source from which to receive correction messages if the at least one criterion is not satisfied for receiving correction messages from the selected SBAS satellite, as recited in the claim. Claims 15-17 depend on independent claim 14, and are believed to be in condition for allowance for at least the reasons provided with respect to independent claim 14.

With respect to independent claim 19 as originally filed, Applicant is unable to find, among other things, in the cited portions of Clark and Whitehead, either taken alone or in combination, a showing or a fair suggestion of a data structure for use by a Global Positioning System (GPS) receiver device in making Space Based Augmentation System (SBAS) corrections, comprising a field representing a variable array of health information for SBAS satellites, a field representing a Current SBAS Correction Source (CSCS) variable index, and a field representing a Potential SBAS Correction Source (PSCS) variable index, as recited in the claim.

With respect to independent claim 27, Applicant is unable to find, among other things, in the cited portions of Clark and Whitehead, either taken alone or in combination, a showing or a fair suggestion of a Global Positioning System (GPS) receiver device, comprising a processor, a memory to communicate to the processor, and a GPS receiver to receive GPS signals and Space Based Augmentation System (SBAS) correction signals, and to communicate with the processor, where the processor and the memory cooperate to determine a desired SBAS correction source based on the SBAS correction signals using at least one predetermined criterion, as recited in the claim. Claims 28-34 depend on independent claim 14, and are believed to be in condition for allowance for at least the reasons provided with respect to independent claim 14.

Thus, for at least these reasons, Applicant respectfully requests withdrawal of the §103 rejection, and reconsideration and allowance of the claims.

Allowable Subject Matter

Claims 20-26 were allowed. Claims 4, 11, 13 and 18 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that claims 4, 11, 13 and 18 are in condition for allowance for the reasons provided above with respect to their independent claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

All correspondence should continue to be sent to:

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GROUP 3000



Respectfully submitted,

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Date 2-10-04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of February, 2004.

Name

Signature